



Patent Docket P0871P2D2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Dan L. Eaton et al.  Serial No.: 08/430,035  Filed: 27 April 1995  For: Monoclonal Antibody to Human mpl Ligand	Group Art Unit: 1812  Examiner: F. Eisenschenk  <i>181</i>  <b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on  July 15, 1997 <i>Sandra K. T. Sullivan</i> Sandra K. T. Sullivan
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING APPLICATION

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Your petitioner, Genentech, Inc., having a place of business at 460 Point San Bruno Boulevard, South San Francisco, California 94080-4990 in the county of San Mateo has reviewed the evidentiary documents set forth hereinbelow and certifies to the best of Genentech's knowledge and belief that title in and to the herein application and in the referenced U.S. Ser. No. 08/429,765, filed April 26, 1995; 08/430,010 filed April 26, 1995; 08/422,548 filed April 13, 1995; and 08/433,767 filed May 3, 1995 reside in Genentech, Inc.

Your petitioner, Genentech, Inc., represents that it is the owner of the entire right, title, and interest in and to application U.S. Serial No. 08/430,035, filed 27 April 1995 by virtue of an assignment recorded on April 26, 1994 at Reel 6970, Frame 541, and is also the owner of the entire right, title and interest in and to U.S. Ser. No. 08/429,765, filed April 26, 1995; 08/430,010 filed April 26, 1995; 08/422,548 filed April 13, 1995; and 08/433,767 filed May 3, 1995 by virtue of assignments recorded on March 13, 1995 at Reel 7402, Frame 0829; recorded on April 13, 1995 at Reel 7438, Frame 0058; recorded on June 13, 1994 at Reel 7030, Frame 0289; and recorded on January 19, 1995 at Reel 7944, Frame 0652.

Your petitioner hereby disclaims, except as provided below, the terminal part of the

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statutory term of any patent granted on the herein application U.S. Serial No. 08/430,035 that would extend beyond the expiration date of the full statutory term defined in 35 USC §§ 154-156 and § 173 as shortened by any terminal disclaimer filed prior to the grant of any patent issuing from application U.S. Ser. Nos. 08/429,765; 08/430,010; 08/422,548; and 08/433,767 and hereby agrees that any patent so granted on the herein application U.S. Ser. No. 08/430,035 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application U.S. Ser. No. 08/429,765; 08/430,010; 08/422,548; and 08/433,767 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application U.S. Ser. No. 08/429,765; 08/430,010; 08/422,548; and 08/433,767 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above. Petitioner reserves the right to extend the shortened term of any patent granted on the above-identified application due to regulatory delays pursuant to 35 USC § 156.

The undersigned is empowered to act on behalf of and as a recognized officer, representative and petitioner of the assignee, Genentech, Inc.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is authorized to charge the statutory fee of \$110.00 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any

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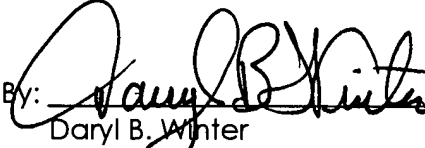
overpayment to Account 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: July 15, 1997

By:

  
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